

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE



RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD. and
EDWARD FLEMING,

Defendants.

Civ. No. 05-495-JJF
Judge Joseph J. Farnan Jr.

THIRD AMENDED COMPLAINT

Plaintiff is submitting this Third Amended Complaint which combines the Second Amended Complaint and Motion to Add New Claim. Plaintiff has included in the Prayer for Relief, Paragraph D which includes both Pain and Suffering and Punitive Damages.

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, for employment discrimination. Jurisdiction exists by virtue of 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff resides at 58 Hickory Drive, North East, Cecil County, MD 21901. Telephone number 410-441-4300.

3. Defendant resides at, or its business is located at 15089 Coastal Highway, Milton, Sussex County, DE 19968.

4. The discriminatory conduct occurred in connection with plaintiff's employment at, or application to be employed at, defendant's Edward Fleming (Lawns Unlimited) place of business located at 15089 Coastal Highway, Milton, Sussex County, DE 19968.

5. The alleged discriminatory acts occurred [on] from [01-09-2003 to 07-01-2004] September 1, 2003 to January 7, 2004.

6. The alleged discriminatory practice is not continuing.

7. Plaintiff filed charges with the Department of Labor of the State of Delaware, Division of Industrial Affairs & EEOC, 4425 N. Market St., Wilmington, New Castle County, DE 19802, regarding defendant's alleged discriminatory conduct [on] from [01-09-2003 to 07-01-2004] September 1, 2003 to January 7, 2004.

8. Plaintiff filed charges with the Equal Employment opportunity Commission of the United States regarding defendant's alleged discriminatory conduct on [17-02-2004] February 17, 2004.

9. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which was received by plaintiff on [30-04-2005] June 9, 2006. See attached.

10. The alleged discriminatory acts, in this suit, concern: termination of plaintiff's employment and other acts including but not limited to cancel health insurance without written notice and did not offer Cobra. Did not receive vacation, sick, and personal time. Deleted overtime hours and no pay out on bonus.

11. Defendant's conduct is discriminatory with respect to the following: Plaintiff's sex.

12. A copy of the charges filed with the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.

13. If relief is not granted, plaintiff[s] will be irreparable denied rights secured by Title VII of the 1964 Civil Rights Act, as amended.

14. Plaintiff['s] has no adequate remedy at law to redress the wrongs described above.

THEREFORE, Plaintiff prays as follows:

A. That all fees, cost or security attendant to this litigation by hereby waived.

B. That the Court appoint legal counsel.

C. That the Court grant such relief as may be appropriate, including injunctive orders, damages, cost and attorney's fees.

D. Judgment against Defendant for all manner of equitable, compensatory, punitive, and other damages permitted by law, including costs and attorneys fees, and for interest on such damages at the maximum rate permitted by law.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, reading "Renee Butz", written over a horizontal line.

Renee M. Butz
58 Hickory Drive
North East, MD 21901
(410)441-4300
Plaintiff pro se

Dated: 9/17/07

EEOC Form 161-B (10/95)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Renee Butz
58 Hickory Drive
North East, MD 21901

From: Equal Employment Opportunity Commission
Philadelphia District Office
The Bourse
21 S. Fifth Street, Suite 400
Philadelphia, PA 19106-2515

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

17C-2004-00296 (formerly 17CA400296)

Legal Unit

(215) 440-2828

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

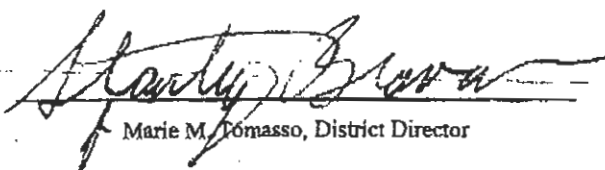
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the
Commission


Marie M. Tomasso, District Director


(Date Mailed)

Enclosure(s)

Information Sheet

cc: Director of Human Resources, Lawns Unlimited

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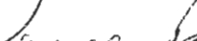
Defendants.

Civ. No. 05-495-JJF
Judge Joseph J. Farnan Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Third Amended Complaint were sent by first-class United States mail, postage duly paid, on this 17 day of September, 2007, to counsel of record as follows:

Margaret D. DiBianca
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, DE 19801-0391


Renee M. Butz
58 Hickory Drive
North East, MD 21901
(410) 441-4300
Plaintiff pro se

Dated: 9/17/07